

The Director of Planning
City of Edinburgh Council
Market Street
Edinburgh

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15 October 2014

Dear Sir,

***WEST LOTHIAN LOCAL DEVELOPMENT PLAN: LAND AT STATION ROAD,
KIRKNEWTON (LATE-0002)***

On behalf of Davidson and Robertson Rural, RFA wishes to make a representation to the West Lothian Local Development Plan (LDP), Main Issues Report in respect of land at Station Road.

The subject site is not identified within the MIR as being suitable for housing purposes. A formal letter of support has previously been submitted to Proposed LDP fully identifying planning reasons for inclusion of the land as a housing site. My client does not accept the Council's reasons for the non inclusion of this land and wishes to challenge the decision through a formal objection as part of the Proposed LDP.

We would also draw the Council's attention to the provisions of Planning Circular 6/2013 on Development Planning and believe that the Council's decision is not compliant with due processes.

Land has been brought forward at this stage in response to mounting development pressures in Kirknewton and the West Lothian corridor together with a perceived shortage of housing land within West Lothian. The Proposed LDP in conformity with SESplan SPG on Housing Land and Scottish Planning Policy needs to make provision for a 5 year supply of effective housing land at all times as part of a generous supply.

It is anticipated that subject to an agreed layout and design that the site could accommodate approximately 100 houses on 5.5 ha. The land is well contained by physical boundaries and the landform has the capacity to accommodate built development. In addition it has been demonstrated that the site:

- Can be satisfactorily accessed via Station Road/B7031 in accordance with normal highway standards and it is accessible to public transport and rail services as well as facilities within the village.
- Environmental Considerations indicate that the landscape and visual impact of development would not be significant.
- There are no environmental and landscape designations affected and biodiversity would be improved.
- There is no risk of flooding and the development would be subject to SUDs
- Drainage infrastructure and utilities exist locally for cost effective connections
- Urban design would consolidate the village structure enhancing the gateway to Kirknewton and provide local facilities

Development Plan

The subject land is currently located outwith the settlement boundary of Kirknewton within the *West Lothian Local Plan 2009* and is identified as Countryside Belt. This plan is significantly out of date and does not comply with SESplan; other material planning conditions including the emerging LDP are therefore relevant.

The land being promoted is outwith the Kirknewton settlement boundary and in land designated as "Countryside" in the West Lothian Local Plan 2009. Therefore, the following policies are applicable; Policy ENV31: Housing in the Countryside and Policy ENV32: Countryside Policies ENV 2-7, ENV 9, ENV 19-20

The development proposal for housing is a logical, natural extension of Kirknewton, situated just south of an existing residential development. Guidance within SPP and PAN 2/2010 advises a range of house types and sizes must be provided in both market and affordable tenures. Planning Authorities need to be ambitious in their targets in order to satisfy local requirements working in collaboration with landowners and developers to meet housing requirements for established and effective land in marketable locations such as Kirknewton.

The Proposed Local Development Plan must be prepared in accordance with the approved SESplan (as modified by Supplementary Planning Guidance on Housing and the requirements of new Scottish Planning Policy (June 2014)).

It is paramount that a 5 year supply of housing is maintained to facilitate growth through the planning process. The Scottish Government advises that 'the planning system should contribute to raising the rate of new house building by identifying 'a generous supply' of land for the provision of a range of housing in the right places'. SPP required planning authorities to be ambitious in setting their targets for a 5 year housing land supply to meet local needs and demands within the HMA's.

SESPlan provides the parameters for the spatial strategy and scale of housing and employment growth required to secure economic recovery in the West Lothian Corridor. Housing provision is based on a Housing Need and Demand Assessment (HDNA) and Supplementary Planning Guidance (SPG) approved by Scottish Ministers in June 2014.

SESPlan recognises the importance of the West Lothian Corridor as an important area for employment and economic growth. As of 31 March 2013 the effective land supply in West Lothian was 14,470 units out of an established Land Supply of 22,533. The SPG identifies an overall requirement of 11,420 houses for the period 2009-19 and 6,590 houses for the period 2019-24. Based on the information within the 2013 Housing Land Audit it is estimated that there is a shortfall in the 5 year land supply of approximately 45% or 4,371 units.

The preferred strategy appears to focus on increasing numbers within the Core Development Areas and much of this earmarked for phased development beyond 2019 and indeed beyond 2024. This approach is considered to be flawed in so far that it is over reliant on large allocations, constrained sites, and windfalls which will not deliver effective sites and could constrain the level of house building.

Paragraph 110 of SPP stated that 'The planning system should: identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;'

Notwithstanding the housing figures, there is a need to take a more realistic and pragmatic view in formulating a more ambitious vision for West Lothian that is more in line with SPP and SESplan.

In relation to sites that have not been developed or are constrained, there is a need to consider how the feasibility and viability of such allocations can be improved through the planning system in order to attract development. Kirknewton is situated in a sustainable location and meets the tests for housing allocations.

The Station Road site is effective, capable of being delivered in the short to medium term, and will help to meet housing need in West Lothian. The landowner therefore believes that it should be allocated for housing development in the emerging Proposed Local Development Plan.

Response to the MIR Comments

The land at Station Road, Kirknewton can assist the Council in meeting the strategic housing land requirements within the Housing Market Area (HMA), and provide an enhanced range and mix of housing including affordable housing for Kirknewton in accordance with SESplan and Scottish Planning Policy.

In summary the MIR rules out the Kirknewton site for the following reasons:

- Development of the site is not in accordance with the Council's preferred development strategy which supports development within the core development areas and other strategic locations and the release of brown-field land in the first instance for development. There are other more suitable sites available for development.
- There is insufficient infrastructure available to support development of this site and education capacity constraints within the area which prevent development of this site.
- The physical development of this site would constitute an intrusive physical expansion of Kirknewton on the southern entrance of the town, beyond the existing defensible boundary being on land south of the B7031. Other more acceptable sites are proposed to be brought forward to support development requirements.

The Council's preferred strategy for West Lothian is largely dependent on the performance of Core Development Areas. It is clear that the performance of these and in other strategic locations has been variable and not in accordance with strategic targets. There is an over reliance on these areas at the expense of equally sustainable and more marketable locations such as Kirknewton.

The assertion that there are other more suitable sites available for development is not fully justified in the MIR contrary to SPP and Planning Circular 6 / 2013.

Infrastructure and Education capacity constraints are cited as a reason for exclusion. We are unaware of any infrastructure that would inhibit the relatively modest development being proposed. In addition it is not clear that there is an educational constraint and the landowner would wish to challenge this assertion in the absence of detailed figures.

The physical expansion of Kirknewton has not been fully tested and there is no evidence that an alteration to the village envelope would constitute an intrusive physical expansion to the village. Landscape, topographical and visual assessment of site conditions would indicate otherwise in terms of environmental capacity. Furthermore there is no cognisance of the socio-economic and community benefits that this development could deliver.

As above other more acceptable sites have not been demonstrated through the planning process. Existing allocations in the village are not performing and are restricting the availability of houses for new households. The existing allocations do not fully comply with PAN 2 /2010.

Advantages and Benefits

There are significant benefits in allocating additional land within Kirknewton, not least because of the locational characteristics and accessibility, which make this area an important node within West Lothian / A71 corridor. New housing will raise the socio-economic profile, support existing services, sustain facilities and contribute to the growth and increased vibrancy of the village.

Furthermore, the area offers housing land that can be integrated into the settlement pattern and allows additional flexibility in housing land supply to meet sustainable development objectives. In particular, the allocation at Kirknewton will provide advantages and benefits to the local community in so far as it would widen the choice range and mix of housing available as well as enhancing local community facilities.

In accordance with the Town and Country Planning Scotland Act any application coming forward for the site will need to be determined in accordance with the development plan unless material considerations indicate otherwise. Nonetheless we consider there to be very strong material arguments which would give significant weight to any application coming forward in the future.

In particular SPP seeks to increase the supply of housing and maintain a 5 year supply of effective housing land at all times as part of a generous supply for house builders. It also acknowledged that some development will need to take place on green field land adjacent to existing settlements.

In terms of PAN 2/2010 we are not aware of any ownership, physical, financial or marketing constraints that would preclude this site from coming forward in the short-medium term and form part of the 5 year land supply. Infrastructure and services are available to support the development of the land.

Developer contributions will be negotiated with the Council for Education, Transport, Affordable Housing and Community Contributions in accordance with Supplementary Guidance and through Section 75 Agreements and Planning Obligations.

Conclusions

Land at Station Road, Kirknewton provides a feasible and effective proposition which is an excellent development opportunity that should be promoted through the emerging LDP. It forms a logical and natural extension to the area and can be justified in housing supply, environmental, urban design and infrastructure terms in promoting economic recovery and investment.

The Council should recognise the significant benefits of a potential allocation and encourage deliverable development in this most sustainable of locations.

It is therefore respectfully requested that West Lothian Council fully re-considers the potential of this land against the revised requirements of SESplan and makes an allocation in the emerging Local Development Plan that can be taken forward in the short-medium term.

Should the site not be allocated, our client reserves the right to make representations at the Local Plan Examination. Furthermore, RFA would be pleased to discuss the justification for this proposal with the Council through their search and selection criteria when appropriate.

Yours,

Rick Finc, MRTPI, MIED, Principal

RFA | Edinburgh | 15 October 2014